

Amendment
Serial No. 10/566,269
Attorney Docket No. 062052

REMARKS

By the present amendment, claims 1-2 and 9-14 have been amended to insert “natural” before “soluble” and claim 1 has also been amended to recite “in purified and/or isolated and/or synthesized form.” Support for the added recitation is found in the original application, for example, on pages 6-7.

In the Office Action, election is required on the alleged ground of anticipation of claim 1 by Torigoe et al., J. Biol. Chem. 1997, 272(41):25737-42 (“Torigoe’Pub”) or US 6,087,116 to Torigoe et al. (“Torigoe’Pat). Reference is made more specifically in the Office Action to page 25373, abstract of Torigoe’Pub and to Example 6, col. 16, lines 60-67 to col. 18, lines 1-28 of Torigoe’116.

The restriction requirement is respectfully traversed. The Torigoe documents do not disclose a soluble human IL-18R α , i.e., a naturally cleaved soluble form. Rather, Torigoe’Pat discloses an artificial construct, i.e., a fragment of recombinant IL-18R which has been cut artificially using surface active agent (CHAPS) (see, e.g., Examples 5-9 of Torigoe’Pat). Similarly, Torigoe’Pub only describes that IL-18R is extracted artificially from a cell membrane (see Torigoe’Pub at page 25739), which also results in an artificial construct. Accordingly, the Torigoe documents do not provide any indication or guidance as to whether a natural soluble human IL-18R α exists or can be made available. Therefore, the present claims are not anticipated by any of the Torigoe documents. Thus, the present inventor is the first to provide

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the natural soluble form, especially, the purified and/or isolated and/or synthesized form, as recited in present claim 1.

In view of the above, it is submitted that the restriction requirement should be withdrawn.

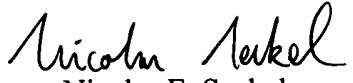
Further, it is understood that Applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

If there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

If this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Nicolas E. Seckel
Attorney for Applicants
Reg. No. 44,373
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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